

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

APPLICANTS: Greenwald et al.

Serial No.: 09/973,109

Filed: October 9, 2001

For: TISSUE SPECIMEN HOLDER

Examiner: Jesse C. Rowe

Art Unit: 2872

Atty Docket: ML-0492DIV

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8/Response  
10/16/02  
D. Peeler

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RESPONSE TO OFFICE ACTION OF 7/31/02

Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

In the Office Action of July 31, 2002, the Examiner stated that not all references listed on the Information Disclosure Statement were considered as Applicants did not submit copies of such references under 37 CFR §1.98(a)(2). Under 37 CFR §§1.98(d), copies of references cited in an Information Disclosure Statement are not required when previously submitted in an earlier application and conditions of 37 CFR §1.98(d)(1) and (2) are satisfied. This application is a divisional of U.S. Patent Application Serial No. 09/506,135, filed February 17, 2000, now U.S. Patent No. 6,330,106, and hence relies upon this earlier application for an earlier effective filing date under 35 U.S.C. §120. In the present application, copies of references listed on the Information Disclosure Statement, filed November 14, 2001, were properly submitted in the earlier application under 37 CFR §1.98, or were cited by the Examiner of the earlier application. Thus, Applicants were not required to send in copies of references cited on the Information Disclosure Statement under 37 CFR §1.98(d), and respectfully requests a new Non-final Office Action which considers all references in the Information Disclosure Statement, and upon receiving such, will file a Response addressing the claim rejections set forth by the Examiner.

Further, enclosed is a Supplemental Information Disclosure Statement citing U.S. Patent No. 6,411,434, representing the issued patent from a U.S. Patent Application cited in the specification in the paragraph bridging pages 6 and 7.

Dated: September 25, 2002

Respectfully submitted,

  
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